

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Declaration Not Accompanying Application)

THOMAS R. COOLIDGE and MARIO R.W. EHLERS declare that they are citizens of The United States of America and Germany, respectively, and residents of the City of Falls Village and the State of Connecticut, and the City of Lincoln and the State of Nebraska, with post office addresses of 173 Beebe Hill Road, Falls Village, Connecticut 06031, and 3175 Sheridan Blvd., Lincoln, Nebraska 68502, respectively; that on April 30, 1999, they filed Application Serial No. 09/302,596 in the United States Patent and Trademark Office, that they verily believe themselves to be the original, first and joint inventors of the improvements in a METABOLIC INTERVENTION WITH GLP-1 TO IMPROVE THE FUNCTION OF ISCHEMIC AND REPERFUSED TISSUE described and claimed in the specification of said application for patent; that this application in part discloses and claims subject matter disclosed in our earlier filed pending provisional application Serial No. 60/103,498 filed October 8, 1998; that they acknowledge their duty to disclose information of which they are aware which is material to the examination of this application, that, as to the subject matter of this application which is common to said earlier application they do not know and do not believe that the same was ever known or used in the United States of America before their invention thereof or patented or described in any printed publication in any country before their invention therefor more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by them or their legal representatives or assigns more than twelve months prior to said earlier application; that they have reviewed and understand the contents of this specification including the claims, as amended by any amendment specifically referred to in the oath or declaration; that they acknowledge the duty to disclose to the Office all information known to them to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56(a);

that they acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and filing date of the present continuation-in-part application which discloses and claims subject matter in addition to that disclosed in the prior application; and that no application for patent or inventor's certificate on this invention has been filed by them, their legal representatives or assigns in any country foreign to the United States of America except as identified below:

NONE

that as to the subject matter of this application which is not common to said earlier application, they do not know and do not believe that the same was ever known or used in the United States of America before their invention thereof or patented or described in any printed publication in any country before their invention thereof, or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of any inventor's certificate issued in any country foreign to the United States of America on an application filed by them or their legal representatives or assigns more than twelve months prior to the date of this application; and that no application for patent or inventor's certificate on said invention has been filed by them or their representatives or assigns in any country foreign to the United States of America, except as follows:

NONE

And we hereby appoint ZARLEY, McKEE, THOMTE, VOORHEES & SEASE, comprising Donald H. Zarley, Registration No. 18,543; Bruce W. McKee, Registration No. 19,651; Dennis L. Thomte, Registration No. 22,497; Michael G. Voorhees, Registration No. 25,715; Edmund J. Sease, Registration No. 24,741; Mark D. Hansing, Registration No. 30,643; Kirk M. Hartung, Registration No. 31,021; Daniel J. Cosgrove, Reg. No. 36,770; Michael R. Crabb, Registration No. 37,298; Heidi Sease Nebel, Registration No. 37,719; Wendy K. Marsh, Registration No. 39,705; Jeffrey D. Hart, Registration No.

40,639; James A. Napier, Registration No. 42,025; and Mark Ziegelbein, Registration No. 43,307; 801 Grand Avenue, Suite 3200, Des Moines, Iowa 50309, Telephone 515-288-3667, our attorneys to prosecute this application and to transact all business in the Patent Office connected therewith.

The undersigned petitioners further declare that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date:

7/12/99

Thomas R. Coolidge  
THOMAS R. COOLIDGE

Date:

7/14/99

Mario R.W. Ehlers  
MARIO R.W. EHLERS